

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF VIRGINIA
3 ALEXANDRIA DIVISION

3 -----x
4 UNITED STATES OF AMERICA, : Criminal Action No.
5 :
6 versus : 1:18-MJ-196
7 :
8 GEORGE AREF NADER, :
9 :
10 Defendant. : June 6, 2019
11 -----x

12 The above-entitled Initial appearance hearing was
13 heard by the Honorable Ivan D. Davis, United States Magistrate
14 Judge.

15 A P P E A R A N C E S

16 FOR THE GOVERNMENT: JAY PRABHU, AUSA
17 LAURA FONG, AUSA
18 US Attorney's Office
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21 FOR THE DEFENDANT: JONATHAN CHUN-WEI SU, ESQ.
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23 555 11th St NW
24 Suite 1000
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26 CHRISTOPHER CLARK, ESQ. (Pro hac
27 Latham & Watkins LLP
28 885 Third Avenue
29 New York, NY 10022-4834

30 OFFICIAL COURT REPORTER: MS. TONIA M. HARRIS, RPR
31 United States District Court
32 Eastern District of Virginia
33 401 Courthouse Square, Ninth Floor
34 Alexandria, VA 22314

35 (Proceedings recorded by electronic sound recording.
36 Transcript produced by computerized transcription.)

U.S. v. Nader

2

1 P R O C E E D I N G S

2 (Court proceedings commenced at 2:31 p.m.)

3 THE CSO: All rise. This honorable court is again
4 in session. Please be seated and come to order.

5 THE DEPUTY CLERK: United States versus George
6 Nader. Case No. 18-MJ-196.

7 MR. PRABHU: Good afternoon, Your Honor. Jay Prabhu
8 and Laura Fong for the Government.

9 THE COURT: Good afternoon.

10 MR. CLARK: Your Honor, Chris Clark, Latham &
11 Watkins, for the defendant. I have an admission pro hac vice
12 pending in this district. I have a partner here who is a
13 member of the bar of this district. If you would like him to
14 move me in orally, or otherwise, I would ask that my
15 appearance here be permitted pending my pro hac vice.

16 THE COURT: Your application is down in the clerk's
17 office?

18 MR. CLARK: It is, Your Honor.

19 THE COURT: So approved.

20 MR. SU: Your Honor, we got a notification from the
21 ECF that Your Honor had approved the motion.

22 THE COURT: All right.

23 MR. CLARK: Thank you, Your Honor.

24 May my client be seated, Your Honor?

25 THE COURT: Not at the moment.

U.S. v. Nader

3

1 MR. CLARK: Okay.

2 THE COURT: Are you George Nader?

3 THE DEFENDANT: Yes.

4 THE COURT: Mr. Nader, this is the United States
5 District Court for the Eastern District of Virginia. You are
6 here because you've been arrested on a warrant, which was
7 faced on a criminal complaint. That complaint charges you
8 with on or about January 17th of 2018 in the Eastern District
9 of Virginia that you did transport visual depiction of minors
10 engaged in sexually explicit conduct.

11 Do you understand the charge against you?

12 THE DEFENDANT: Yes.

13 THE COURT: When you are arrested on such a charge,
14 the law requires that you be brought in front of a judge as
15 quickly as possible so you can be informed of the charge
16 against you, the maximum punishment for that charge, your
17 right to be represented by counsel, your rights under certain
18 circumstances to a preliminary and detention or bond hearing,
19 and your right to remain silent.

20 Government, can you please inform Mr. Nader of the
21 maximum punishment for the charged offense?

22 MR. PRABHU: Yes, Your Honor.

23 There's a maximum sentence of 40 years of
24 imprisonment, a 250,000 fine and \$100 special assessment,
25 Another 500 -- a \$5 ,000 special assessment, and a five-year

U.S. v. Nader

4

1 mandatory minimum term of supervised release up to a life term
2 of supervised release.

3 There is also a 15-year mandatory minimum of
4 imprisonment.

5 THE COURT: Mr. Nader, do you understand both the
6 mandatory minimum and maximum punishments for the charged
7 offense?

8 THE DEFENDANT: Yes.

9 THE COURT: Based on that charge, you have an
10 absolute right to be represented by counsel. I'm assuming
11 you've been retained.

12 MR. CLARK: I have been, Your Honor.

13 THE COURT: And you've noted your appearances.

14 MR. CLARK: I have, Your Honor.

15 THE COURT: Because you've been charged in a
16 criminal complaint, you have an absolute right to what we call
17 a preliminary hearing. That is a hearing at which the
18 Government will be required to produce sufficient evidence to
19 this Court to show this Court that probable cause exist to
20 believe that the charge set forth in the complaint was
21 committed and committed by you.

22 Do you understand?

23 THE DEFENDANT: Yes.

24 THE COURT: Is the Government seeking detention?

25 MR. PRABHU: Yes, Your Honor. This is a presumption

U.S. v. Nader

5

1 case.

2 THE COURT: Mr. Nader, the Government is seeking
3 that you be detained prior to further proceedings based in
4 large part on the fact that this is what we call a presumption
5 case, which means this is an offense which involves the --
6 which involves a juvenile.

7 Under those circumstances, the law requires this
8 Court to presume that detaining you prior to further
9 proceedings is the appropriate course of action. Under those
10 circumstances, the law requires this Court to hold a bond
11 hearing to determine whether you will be detained or released
12 prior to further proceedings.

13 The Court received, via chambers, and I believe -- I
14 don't know whether it's been filed or not, according to ECF a
15 motion -- an emergency motion for a conditional release.

16 Did the Government receive that as well?

17 MR. PRABHU: I just received it coming in. I have
18 not had a chance to review it thoroughly, but the Government
19 would oppose any emergency motion. And if the Court would
20 like to be heard on the circumstances, I'm happy to expound a
21 little bit.

22 THE COURT: You mean on the circumstances that you
23 oppose it?

24 MR. PRABHU: Yes.

25 THE COURT: Well --

U.S. v. Nader

6

1 MR. PRABHU: As being an emergency.

2 THE COURT: Well, as an emergency -- well based on
3 the information that's contained in the motion, the Court
4 believes that any discussion would be more appropriately held
5 at side bar.

6 MR. PRABHU: Thank you, Your Honor.

7 (A sealed side bar was held.)

8 THE COURT: Based on representations of both
9 Government counsel and counsel of Mr. Nader, it's the Court's
10 decision that we will hold the detention hearing tomorrow at 2
11 p.m.

12 We will hold the preliminary hearing Monday at 3
13 p.m. That will be in front of Judge Buchanan.

14 Now, Mr. Nader, you have an absolute right to remain
15 silent. The reason you have that right is because anything
16 you say about the offense, or anything else, can and probably
17 will be used against you at further court proceedings.

18 Do you understand?

19 THE DEFENDANT: Yes.

20 THE COURT: The law, however, requires that you be
21 detained prior to the detention hearing.

22 Therefore, at this time, Mr. Nader is remanded to
23 the custody of the United States marshals until 2 p.m.
24 tomorrow.

25 MR. PRABHU: Thank you, Your Honor.

U.S. v. Nader-

7

1 MS. FONG: Thank you, Your Honor.

2 MR. CLARK: Is there anything further, Your Honor?

3 THE COURT: That will be it.

4 MR. CLARK: Thank you.

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6 **(Proceedings adjourned at 2:44 p.m.)**

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CERTIFICATE OF REPORTER

I, Tonia Harris, an Official Court Reporter for
the Eastern District of Virginia, do hereby certify that I
reported by machine shorthand, in my official capacity, the
proceedings had and testimony adduced upon the Initial
appearance hearing in the case of the **UNITED STATES OF**
AMERICA versus GEORGE AREF NADER, Criminal Action No.
1:18-MJ-196, in said court on the 6th day of June, 2019.

10 I further certify that the foregoing 8 pages
11 constitute the official transcript of said proceedings, as
12 taken from my machine shorthand notes, my computer realtime
13 display, together with the backup tape recording of said
14 proceedings to the best of my ability.

15 In witness whereof, I have hereto subscribed my
16 name, this June 6, 2019.

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Tonia M. Harris
Tonia M. Harris, RPR
Official Court Reporter

Tonia M. Harris, RPR
Official Court Reporter